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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,946	09/30/2003	Kristin L. Jambor	END5083-515149	7866
26874	7590	02/07/2008		
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			EXAMINER COMSTOCK, DAVID C	
			ART UNIT 3733	PAPER NUMBER
			NOTIFICATION DATE 02/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10676946	9/30/03	JAMBOR ET AL.	END5083-515149

FROST BROWN TODD, LLC  
2200 PNC CENTER  
201 E. FIFTH STREET  
CINCINNATI, OH 45202

## EXAMINER

David Comstock

ART UNIT	PAPER
3733	20080204

DATE MAILED:

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## Commissioner for Patents

The reply filed on 17 October 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments (see, e.g., page 5, lines 1-16) merely state what limitations the claims require by repeating the claim limitations and then stating the conclusion that the prior art does not disclose those limitations. Rule 37 CFR 1.111(b) requires that applicant MUST "distinctly and specifically point out errors" in the examiner's action. Also, arguments or conclusions of the attorney cannot take the place of evidence. *In re Cole*, 51 CCPA 919, 326 F.2d 769, 140 USPQ 230 (1964); *In re Schulze*, 52 CCPA 1422, 346 F.2d 600, 145 USPQ 716 (1965); *Meitzner v. Mindick*, 549 F.2d 775, 193 USPQ 17 (CCPA 1977).

In addition, Applicant should specifically show where support can be found in the specification for the newly added claim limitations to establish that no new matter has been added.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).